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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,804	09/09/2003	Sayed Ahmed	130209.508	1805
500 7590 02/09/2007 SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 5400 SEATTLE, WA 98104			EXAMINER LAXTON, GARY L	
			ART UNIT	PAPER NUMBER
			2838	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/09/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/658,804

Applicant(s)

AHMED ET AL.

Examiner

Gary L. Laxton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 4-10, 15 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 11-14 and 17-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/28/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election with traverse of Group I in the reply filed on 11/02/2006 is acknowledged. The traversal is on the ground(s) that it would not be a serious burden for the examiner to examine an application on the merits even though it includes claims to independent or distinct inventions (pg 2 1<sup>st</sup> paragraph of remarks). This is not found persuasive because, first of all, 35 U.S.C. 101 states:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent

In other words, one patent for one invention. Therefore, to allege that the examiner "must examine it on the merits, even though it includes claims to independent or distinct inventions" is incorrect. Moreover, discretionary authority is provided to an examiner under 35 U.S.C. 121 to limit the examination of an application to one of a plurality of patentably distinct inventions that otherwise would impose a serious administrative burden on the examiner (MPEP 802-803).

Thus, searching for three independent and distinct inventions is a serious burden on the examiner just from the mere fact of having to search for three independent and distinct inventions. The Groups identified in the last office action claim three independent and distinct inventions requiring three different fields of search and the consideration of three different independent and distinct divergent subject matters. This does, indeed, amount to a serious burden for the examiner in having to consider and

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examine three different independent and distinct inventions as stated above and in the last office action.

Therefore, the requirement is still deemed proper and is therefore made FINAL.

### ***Inventorship***

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

### ***Specification***

3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 11-14 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Parkhill et al. (US 2002/0034088 cited by applicant).

Parkhill et al. disclose a power module (e.g. fig 2), comprising: a module housing; a set of DC terminals (21, 23) accessible from an exterior of the module; a DC bus (25) electrically coupled to the pair of input terminals; at least three pairs of AC terminals (15, 17, 19) accessible from the exterior of the module housing; and an inverter circuit (e.g. figs. 3, 9 and 10) contained within the module housing, the inverter circuit configurable to selectively switch between at least three output states (positive voltage, negative voltage and zero voltage. i.e. in order to produce a sine wave output for AC loads) and electrically coupled between the set of DC terminals and at least one of the pairs of AC terminals.

6. Claims 1-3, 11-14 and 17-19 are rejected under 35 U.S.C. 102(a) as being anticipated by Schantz et al.

Schantz et al. disclose a power module (e.g. figs. 3, 4, 6 & 7), comprising: a module housing; a set of DC terminals accessible from an exterior of the module (90, 92); a DC bus (82) electrically coupled to the pair of input terminals; at least three pairs of AC terminals (102, & figs. 2-5) accessible from the exterior of the module housing; and an inverter circuit (48 & 50) contained within the module housing, the inverter circuit configurable to selectively switch between at least three output states (positive voltage, negative voltage and zero voltage. i.e. in

order to produce a sine wave output for AC loads) and electrically coupled between the set of DC terminals and at least one of the pairs of AC terminals.

### ***Conclusion***


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 5,644,483 Peng et al. disclose voltage balanced multilevel voltage source converter system.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Laxton whose telephone number is (571) 272-2079. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Karl Easthom can be reached on (571) 272-1989. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gary L. Laxton  
Primary Examiner  
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2/2/2007